

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY ALVIN WEBB, and
TERESA LYNN WEBB,

Defendants.

Case No. CR-05-012-RAW

ORDER

Before the Court are Defendants' motions "Requesting Federal Sentence to be Ran Current to State Sentence and/or Credit for State Sentence Toward Federal Sentence" [Docket Nos. 36 and 38]. Both Defendants were sentenced by this Court in May of 2005 and remanded to the custody of the U.S. Marshal. Defendants were then delivered to the State of Georgia to face state charges that arose prior to the federal charges. According to Defendants, the State of Georgia sentenced them to serve three years in custody to run concurrently with their federal sentences.

Calculation of a federal prisoner's sentence and any determination regarding his eligibility for credit prior to federal custody is governed by 18 U.S.C. § 3585. The Attorney General, through the Bureau of Prisons, makes the sentence calculation and credit determination in accordance with this statute. See United States v. Wilson, 503 U.S. 329, 331-333 (1992). The Attorney General's decision is reviewable via a petition pursuant to 28 U.S.C. § 2241. See Bloomgren v. Belaski, 948 F.2d 688 (10th Cir. 1991).

Defendants are required to exhaust their remedies through the Attorney General (or his delegate, the Bureau of Prisons) before they may petition this Court. Here, it is unclear whether the

Bureau of Prisons has yet made a decision, whether favorable or unfavorable to the Defendants. Defendants' requests are not yet ripe and thus, the Court may not address them. The Defendants' motions [Docket Nos. 36 and 38] are hereby DENIED without prejudice.

IT IS SO ORDERED this 21st day of November, 2007.

Dated this 21st Day of November 2007.

J4h4i0



Ronald A. White
United States District Judge
Eastern District of Oklahoma